

<u>SUBJECT</u>		<u>DATE</u>
1394. RCRA Empty vs. DOT Empty	ENCORE	JUL 30, 2020
1395. RCRA Empty vs. DOT Empty II	ENCORE	AUG 6, 2020
1396. Empty Containers and the "Empty" Label	ENCORE	AUG 13, 2020
1397. Exceptions to Free Liquids in Landfills Prohibition	ENCORE	AUG 20, 2020
1398. Dust Suppression in Landfills with Nonhazardous Liquids	ENCORE	AUG 27, 2020
1399. Treated Hazardous Wastes Used as Dust Suppressant	ENCORE	SEP 3, 2020
1400. Regulatory Status of Used Oil Mixed with Diesel Fuel	ENCORE	SEP 10, 2020
1401. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	SEP 17, 2020
1402. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 24, 2020

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** AVAILABLE REGULATORY RELIEF FROM UHC REQUIREMENTS

**DATE:** SEPTEMBER 24, 2020

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
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## TWO MINUTE TRAINING

**SUBJECT:** Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements

**Q:** A RCRA trainer asked, "I should really know this, but which regulations offer relief from determining if UHCs apply to D001 through D043 characteristic hazardous wastes?"

**A:** [40 CFR 268.9](#) states that if the generator determines that their waste displays a hazardous characteristic, the generator must determine the UHCs in the characteristic waste. 40 CFR Part 268 regulations that provide UHC relief include, but are not limited to:

- De minimis losses of characteristic wastes to wastewaters [268.1\(e\)\(4\)](#)
- UHCs do not include fluoride, selenium, sulfides, vanadium and zinc [268.2\(i\)](#)
- Wastes sent to treaters who monitor for all UHCs [268.7\(a\)\(4\)](#)
- Wastes packaged as Non-appendix IV Lab Packs [268.7\(a\)\(9\)](#)
- D001 Low or High TOC treated by CMBST, RORGS or POLYM [268.9\(a\)](#)
- Wastes managed at Clean Water Act facilities [268.40\(e\)](#)
- Debris treated by the alternative treatment standards for Debris. [268.45](#)

[NOTE: This list is not meant to be all inclusive and other regulations may provide equal relief.]

### SUMMARY:

- Regulations that provide relief from UHC requirements are:
  - De minimis losses of characteristic wastes to wastewaters;
  - UHCs do not include fluoride, selenium, sulfides, vanadium and zinc;
  - Treaters who monitor for all UHCs;
  - Wastes managed at Clean Water Act facilities;
  - D001 Low or High TOC treated via CMBST, RORGS, or POLYM;
  - Non-Appendix IV lab packs;
  - Alternative Treatment Standard for debris.

Pertinent regulations are attached to the e-mail. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul.W.Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 9/24/2020

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**TWO MINUTE TRAINING – ATTACHMENT**

**SUBJECT:** Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements

**40 CFR 268.1 Purpose, scope and applicability**

(e)(4) **De minimis losses of characteristic wastes to wastewaters are not considered to be prohibited wastes** and are defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one per cent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million in the headworks of the facility's wastewater treatment or pretreatment facility.

**40 CFR 268.2 Definitions applicable in this part.**

(i) **Underlying hazardous constituent means any constituent listed in §268.48, Table UTS-Universal Treatment Standards, except fluoride, selenium, sulfides, vanadium, and zinc,** which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards.

**40 CFR 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.**

(a)(4) Generator Paperwork Requirements Table

Required Information	§268.7 (a)(2)	§268.7 (a)(3)	§268.7 (a)(4)	§268.7 (a)(9)
3. The waste is subject to the LDRs. <b>The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.</b>	√	√		

**40 CFR 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.**

(a)(9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at §268.42(c):

(iii) **If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in §268.2(i)) need not be determined.**

## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements

### 40 CFR 268.9 Special rules regarding wastes that exhibit a characteristic.

- (a) The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. This determination may be made concurrently with the hazardous waste determination required in §262.11 of this chapter. For purposes of part 268, the waste will carry the waste code for any applicable listed waste (40 CFR part 261, subpart D). In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (40 CFR part 261, subpart C), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (b) of this section. **If the generator determines that their waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, OR POLYM of §268.42, Table 1), the generator must determine the underlying hazardous constituents (as defined at §268.2(i)) in the characteristic waste.**

### 40 CFR 268.40 Applicability of Treatment Standards

- (e) For characteristic wastes (D001-D043) that are subject to treatment standards in the following table “Treatment Standards for Hazardous Wastes,” **and are not managed in a wastewater treatment system that is regulated under the Clean Water Act (CWA), that is CWA-equivalent, or that is injected into a Class I nonhazardous deep injection well,** all underlying hazardous constituents (as defined in §268.2(i)) must meet Universal Treatment Standards, found in §268.48, Table Universal Treatment Standards, prior to land disposal as defined in §268.2(c) of this part.

### 40 CFR 268.45 Treatment standards for hazardous debris.

- (a) *Treatment standards.* Hazardous debris must be treated prior to land disposal as follows unless EPA determines under §261.3(f)(2) of this chapter that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this subpart for the waste contaminating the debris:
- (1) **General.** Hazardous debris must be treated for each “**contaminant subject to treatment**” defined by paragraph (b) of this section using the technology or technologies identified in Table 1 of this section.
  - (b) *Contaminants subject to treatment.* Hazardous debris must be treated for each “contaminant subject to treatment.” The contaminants subject to treatment must be determined as follows:
    - (1) **Toxicity characteristic debris.** **The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by §261.24** of this chapter are those EP constituents for which the debris exhibits the TC toxicity characteristic.